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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 09/632,318
Filing Date: August 04, 2000
Appellant(s): WARREN, TERRY

Mark A Goldstein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04 October 2003

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-42 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,253,216	Sutcliffe	06 2001
6,026,368	Brown et al	02 2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-42 are rejected under 35 U.S.C. Sutcliffe, US Patent No. 6253216 in view of Brown, US Patent No. 6026368. This rejection is set forth in prior Office Action, Paper No. 8, and also see Advisory Action, paper no. # 18.

(11) Response to Argument

a) At page 6 line 6-9, Claim 1 applicant argues 'Examiner is referring to a server sending.....Internet browser, where as the claim recites an Internet access client.....

As to the above argument [a], examiner notes that Sutcliffe et al., clearly provides specifically a network element fig 2, element 10 that including for example various users are connected to Internet service provider allowing to access various web site(s) as detailed in fig 2. As best understood by the examiner Internet client or Internet access client machine which provides commands to a server and is serviced by the server; typically Internet access Client machine is operated by an end user and functions responsive to user commands, while Web browser or Internet browser is a program running on a user-operated client computer, when a user accessing the web using a browser, the browser acts as an internet tour guide allowing the client machine to

display various tools such as pictorial desktops, directories and supported by the server, it is also noted that Internet browser or browser is a program which is particularly tailored for facilitating user requests for web pages [see fig 1-2] and is common knowledge in the art.

b) In response to Applicant's assertions in the Appeal Brief, at page 6, line 13-19, Claim 1, "selecting a first program object from a first set of available program objects based in part upon profile data associated with a local device". Examiner notes that Sutcliffe clearly provide for computer network, more specifically accessing Internet by remote users [see Abstract], Sutcliffe also teaches for example various available program objects such as Ad taking pagination information, Call Management, Computer telephone integrator, Audio text system, centralized automated polling system and like as detailed in fig 1, it is further noted that Sutcliffe also teaches all these systems or resources including software application programs are accessible over the internet, specifically common gate way interface or CGI as detailed in col 6, line 46-50, Examiner also noted that Sutcliffe teaches for example profile data, more specifically in the form of template fields information table as detailed in fig 3, element 134. As best understood by the examiner, Sutcliffe teaches profile data through personal page to select a template and using HTML objects and CGI programs as detailed in col 8, line 18-22.

c) At page 6, line 25-27, Claim 1, applicant argues, Sutcliffe fails to teach or suggest program objects as recited in claim 1.

As to the above argument [c], Sutcliffe clearly teaches remote user may select menu to view personal page, uploading images, permission granting or locate the specific record on the computer network using CGI programs, further a CGI program is executed that combines the page attributes in a selected template page as detailed in col 9, line 26-30, line 64-67, col 10, line 53-55, line 63-64, therefore, Sutcliffe teaches program objects that not only allows remote users for selected template page and but also display to the remote user in a world wide web page [col 10, line 1-5].

d) At page 7, line 1-5, Claim 1 recites an Internet access client. The examiner asserts that the Internet.....In no place does claim 1 mention the use of Internet web broser.....

As to the above argument [d], as best understood by the examiner, computer network of Sutcliffe's fig 1-2 consisting of a collection of web sites that offer text and graphics and like, accessed by remote users, further the internet client program also known as browser runs on users' computer and provides for example navigation operations such as viewing web pages as well as links [col 6, line 39-45], also examiner asserts that Internet access client is obvious over the prior art because at minimum Sutcliffe specifically directed to Internet or World wise web environment [Sutcliffe: fig 2, col 1, line 28-34], further internet web servers supports clients and provides information is also common knowledge in the art [see Advisory action paper no. # 18].

- e) At page 7, line 17-20, Claim 1, Examiner has failed.....assigning a first program component to a first slot.....

As to the above argument [e], as best understood by the examiner, Sutcliffe teaches user defined template(s), and templates field information as detailed in table 134, also it is noted that template fields may include image, text, icon, background, HTML or HTML table fields and like [col 7, line 56-65]. Also, Sutcliffe teaches user may choose various options related to template pages such as color schemes, background attributes and they are associated with template object or program [see col 8, line 66-67, col 9, line 1-8], therefore, template corresponds to Sutcliffe's template as detailed in fig 4A, element 188, slot corresponds to various fields that are related to template page layout information as suggested in col 8, line 50-54.

- f) At page 8, line 20-22, Claim 1, Brown fails to teach or suggest 'sending a first rule to the local device.....
- g) At page 8, line 22-24, Claim 1, 'sending a second rule to

As to the above arguments [f-g], As best understood by the examiner, Brown is directed to on-line interactive system for providing content and advertising information to the users, more specifically providing information to the users over network, further Brown specifically directed to on-line information services in which rules that maintain relationship between various contents for example targeting objects such as users, or

subscribers, content locations, and like as detailed in fig 6, col 13, line 33-37. It is also noted that user has the ability to modify or create new rule for accessing target information over the network that corresponds to user-defined rules that associated with individual entity records, therefore, both Sutcliffe, Brown teaches template for Internet access client user interface, in addition to that Brown specifically teaches rules and rule editor as detailed in fig 6.

h) At page 8, line 27, applicant argues that there is no motivation to combine the teachings of

In response to applicant's argument [h] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al., into providing personal page information on a network of Sutcliffe et al. because both are directed to accessing on-line network, more specifically Brown et al. directed to on-line interactive system for providing content and information to the users [see Abstract, fig 1], Sutcliffe is directed to remote user

accessing network, specifically remote users accessing template page using Internet [see Abstract, fig 1-2], and they both are directed to interactively retrieving information and both from the same field of endeavor. One of ordinary skill in the art at the time of the invention would have been motivated to modify Slutcliffe's fig 2 to incorporate "RULES" that are related to various program objects of Brown et al. because that would have allowed users of Slutcliffe's remote users to authorize other to users not only access personal page but also maintain rule related information in the user information table of Slutcliffe's fig 3, further control which relative information of individual users based on user ID satisfies his or her needs as suggested by Brown et al. [51-62], thus improving reliability, quality and versatility of the system..

i) At page 9, line 13-16, applicant argues, "to the extent the limitations recited in claim 1 are included in the other independent claims 11,21,31,41 the arguments in the preceding.....


As to the argument [i], examiner applies above Claim 1 arguments to other independent claims 11,21,31,41.

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/632,318
Art Unit: 2177

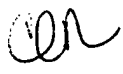
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Respectfully submitted,


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SC
November 13, 2003

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